

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD**

**THE HON'BLE MR JUSTICE A.GOPAL REDDY
and
THE HON'BLE MR JUSTICE P.SWAROOP REDDY**

WRIT PETITION NO : 18929 of 2007

Date:17.09.2007

Between:

V.V. Ramam

..... PETITIONER

AND

1. The Deputy Commissioner of Police, West Zone, Hyderabad, and another.

.....RESPONDENTS

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ORAL ORDER: (per Hon'ble Sri Justice A. Gopal Reddy)

The petitioner, who is a close relative of alleged detenu No.1, namely, Y. Radhakrishna Sastry, filed this writ petition for issuance of Writ of Habeas Corpus to produce Y. Radhakrishna Sastry, T. Satya Reddy, U. Prasada Rao and G. Galaiah before this Hon'ble Court forthwith, alleging that his friends namely, T. Satya Reddy, U. Prasada Rao and G. Galaiah along with his relative Y. Radhakrishna Sastry, went to a party hosted by T. Satya Reddy, alleged detenu No.2 at Shaikpet village, Banjara Hills. While returning, casually, they went to the site situated at Shaikpet village, Banjara Hills, where they came to know that three unknown persons were making hectic efforts and trying to cause damage to the sign boards erected in the site. When the alleged detenu enquired, the said persons behaved rashly, and meanwhile, at the intervention of local people the said unknown persons went away from the site. When the alleged detenu were discussing about the incident, the respondent police came in Rakshak Police vehicle, took away the alleged detenu to the second respondent police station and detained them illegally, and not producing before the Magistrate.

The Inspector of Police, Banjara Hills, the second respondent herein, filed counter affidavit stating that one Rajeshwar Shawji, G.P.A. holder of Issaq Khan and others lodged a complaint alleging that Issaq Khan and others are the owners of land admeasuring Ac1.15 gts in S.No.129/5 i.e., 403/5 abutting Road No.2 Banjara Hills, Shaikpet village. It is also stated that there is a boundary dispute between the

complainant and the alleged detenue, which was the subject matter of O.S.No.78 of 1981. While so, one Koteswara Rao claiming to be the agreement holder and others trespassed into the land belonging to the complainant and made an attempt to trespass into the land and there is every danger of removing the security personnel, and hence requested the police to provide protection to them from the said Koteswara rao, Satya Reddy and their henchmen. Basing on the said complaint, a case in Cr.No.881 of 2007 for the offences under Sections 447 and 506 IPC was registered and investigation was taken up. The investigation reveals that A.1 to A.5 trespassed into the land, which is in possession of the complainant. On 05.09.2007 the accused threatened the watchmen and tried to dispossess them from the said land. Since *prima facie* case was made out against the accused, namely, A.1-Koteswara Rao, A.2-Satya Reddy (alleged detenu No.2), A.3-G.Galaiah (alleged detenu No.4), A.4-Y.Radhakrishna Sastry (alleged detenu No.1) and A.5-U. Prsada rao (alleged detenu No.3), and on credible information with regard to the presence of the alleged detenue 1, 3 and 4, who are accused Nos.4, 5 and 3, they were apprehended at the scene of offence, and on their confessing about the offence, they were produced before the III Additional Chief Metropolitan Magistrate, Nampally, and were remanded to judicial custody. It is further submitted that the alleged detenu No.2, namely T. Satya Reddy, who was accused No.2 in the above crime, and accused No.1-Koteswara Rao are absconding and the police are making efforts to apprehend them.

In view of the fact that the alleged detenue were arrested in connection with Crime No.881 of 2007 and were produced before the Magistrate, who remanded them to judicial custody, it cannot be said that they were illegally detained by the police. Further, since A.2 and A.1 are absconding, the police are directed in the event of their arrest they shall be produced before the Magistrate.

Accordingly, the Writ Petition is disposed of at the admission stage.

(A. GOPAL REDDY, J.)

(P. SWAROOP REDDY, J.)

17th September, 2007
Js.